

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

DONALD REECE,

Plaintiff,

v.

RICHARD SHEPHERD, *et al.*,

Defendants.

3:14-cv-00192-MMD-VPC

MINUTES OF THE COURT

June 24, 2015

PRESENT: THE HONORABLE VALERIE P. COOKE, U.S. MAGISTRATE JUDGE

DEPUTY CLERK: LISA MANN REPORTER: NONE APPEARING

COUNSEL FOR PLAINTIFF(S): NONE APPEARING

COUNSEL FOR DEFENDANT(S): NONE APPEARING

MINUTE ORDER IN CHAMBERS:

Before the court is defendants' motion to strike (#41) plaintiff's surreply (#40) to defendants' motion for summary judgment. Plaintiff opposed (#42), and defendants replied (#43).

Defendants argue that plaintiff's surreply should be stricken because, under the Local Rules, it is an improper filing and raises new arguments. (#41 at 3.) They point out that plaintiff failed to obtain leave prior to filing. (*Id.*) Plaintiff counters that he lacks legal skills and assistance, and therefore, cannot be expected to submit his arguments "in proper legal form" (#42 at 3.) He also states that he suffers from disabilities that limit his ability to litigate, and has been disadvantaged by prior decisions of this court. (*Id.* at 4.)

The court may strike an improper filing under its "inherent power over the administration of its business." *Spurlock v. F.B.I.*, 69 F.3d 1010, 1016 (9th Cir. 1995). In this District, summary judgment practice consists of a motion and opening brief, an opposition, and a reply. Local Rules of Practice IB 7-2. The non-moving party—in this instance, plaintiff—may not respond to the moving party's reply without first obtaining leave of the court. *See id.*

The motion to strike (#41) is **GRANTED**. Because plaintiff did not obtain leave to file a surreply, the court **STRIKES** his document (#40) and shall not consider it when evaluating defendants' summary judgment motion.

IT IS SO ORDERED.

LANCE S. WILSON, CLERK

By: /s/
Deputy Clerk